

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23431 of 2024

Arising Out of PS. Case No.-344 Year-2023 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Abhishek Kumar S/o Shailendra Prasad Resident of vill Ahiyapur Dahpar,
P.S. - Noorsarai District Nalanda state Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Laxmi Saurav W/o Abhishek Kumar, D/o Sunil Chandra Prasad R/o vill
- Akbarpur, P.O. and P.S. - Asthawan, Distt. - Nalanda, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akshay Kumar
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 16-05-2024
1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel for Opposite Party
No.2.

2. The petitioner and the Opposite Party No.2 in
compliance of the order dated 08.05.2024 are present present in
the Court.

3. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Sections
323, 341, 406, 498(A), 504 and 34 of the Indian Penal Code.

4. The learned counsel for the petitioner submits that
the conjugal relationship in between the petitioner and the
Opposite Party No.2 is not possible to revive. It is also



submitted that the petitioner has filed Divorce Case No.31 of 2022 which is pending adjudication in the Court of learned Principal Judge, Family Court, Nalanda, Bihar Sharif,. It is further submitted that in the divorce case, the learned Principal Judge, Family Court has directed the petitioner to pay a monthly maintenance of Rs. 6,000/- per month as the said arrangement for the present is interim. The final maintenance is yet to be decided. It is also submitted that the petitioner has already instituted a divorce case and is paying the interim maintenance as directed by the learned Principal Judge, Family Court, Bihar Sharif, as such no useful purpose would be served by sending the petitioner to jail.

5. Learned A.P.P. along with learned counsel for the Opposite Party opposes the anticipatory bail application but are not in a position to rebut the submission of the learned counsel for the petitioner that petitioner has filed a divorce case and is also paying interim maintenance of Rs.6,000/- to the Opposite Party No.2.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail



on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Archana Kumari, JMFC, Biharsharif, Nalanda, in connection with Complaint Case No. 344 (C)/2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The applications stands allowed.

(Satyavrat Verma, J)

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